

REMARKS

Amendments To The Claims

This application contains claims 1, 10-11, 16, and 21-30. With this amendment claim 9 has been canceled, without prejudice. Applicants expressly reserve the right to pursue any canceled subject matter in subsequent applications that claim benefit from this application. Claims 1, 10-11, and 16 have been amended, and new claims 21-30 have been added to more particularly point out and distinctly claim the subject matter that Applicants wish to prosecute in this application. No new matter has been introduced. Reconsideration is respectfully requested.

Amended claim 1 recites a mutant trichosanthin (MTCS) protein comprising amino acid modifications in the region of amino acid residues 174 to 180 of SEQ ID NO: 8. Support for amended claim 1 may be found, for example, in Table 1 on page 7 of the specification, in Example 2 on pages 30-31 of the specification, in Example 8 on page 35 of the specification, in Example 13 on page 37, and in Example 18 on page 41. New claim 21 recites the MTCS protein of amended claim and further comprises the modification of at least one amino acid residue in the region of amino acids 203 to 226, and new claims 23-26 depend therefrom. Support for new claims 21 and 23-26 may be found, for example, in Table 2 on pages 7-8 of the specification, page 8, lines 8-13 of the specification, in Example 5 on pages 32-33 of the specification, in Example 11 on page 36 of the specification, in Example 16 on page 40 of the specification and in Example 21 on page 43 of the specification. New claim 22 recites the MTCS protein of amended claim and further comprises the modification of at least one amino acid residue in the region of amino acids 230 to 244, and new claims 27-30 depend therefrom. Support for new claims 22 and 27-30 may be found, for example, in Table 3 on page 8 of the specification, on page 8, lines 8-13 of the specification, in Example 6 on pages 33-34 of the specification, in Example 12 on page 37 of the specification, in Example 17 on pages 40-41 of the specification, in Example 22 on page 43 of the specification. Amended claim 10 now depends from new claim 21. Amended claim 11 now depends from new claim 22. Amended claim 16 now depends from new claims 21 and 22 in addition to amended claim 1.

Information Disclosure Statement

Applicants appreciate the Examiner's consideration of the Information Disclosure Statement filed on August 12, 2005.

Claim Rejections 35 U.S.C. § 112, second paragraph

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner contends that it is unclear whether the modification of at least one amino residue in regions 174 to 180, 203 to 226 and 230 to 244 of the MTCS protein is in each region or in one particular region. Applicants traverse.

In order to expedite prosecution and facilitate an allowance without conceding to the Examiner's rejection, Applicants' amendment of claim 1 and addition of claims 21-30 renders the Examiner's rejection moot. Amended claim 1 and new claims 21-22 are clear with respect to the modifications of amino acid residues in regions 174 to 180, 203 to 226 and 230 to 244 of the MTCS protein. Applicants respectfully submit that independent claim 1 (and therefore all claims dependent therefrom) is definite and not disclosed or suggested by the prior art. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Objection

Claims 9-11 and 16 were objected to as being dependent upon a rejected base claim.

Applicants have canceled claim 9. Amended claim 10 now depends from new claim 21. Amended claim 11 now depends from new claim 22. Amended claim 16 now depends from new claims 21 and 22 in addition to amended claim 1. Accordingly, applicants respectfully request reconsideration and withdrawal of this objection.

Conclusion

It is respectfully submitted that the amendments and remarks presented here overcome and/or obviate each basis for objection and rejection set forth in the Office Action. Claims 1, 10-11 and 16, as amended, are all believed to be in immediate condition for allowance. Accordingly, the withdrawal of all objections and rejections is respectfully requested, and issuance of a Notice of Allowance is earnestly solicited.

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Respectfully submitted,

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